

**Robbins Geller  
Rudman & Dowd LLP**

Boca Raton  
Chicago  
Manhattan

Melville  
Nashville  
Philadelphia

San Diego  
San Francisco  
Washington, D.C.

Michael G. Capeci  
MCApeci@rgrdlaw.com

March 22, 2023

VIA ECF

Hon. Gabriel W. Gorenstein  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Aberdeen City Council as the Adminstrating Authority for the North East Scotland Pension Fund v. Bloomberg L.P.*,  
Misc. Civil Action No. 1:23-mc-00070-LAK-GWG

Dear Judge Gorenstein:

We represent plaintiff Aberdeen City Council as the Adminstrating Authority for the North East Scotland Pension Fund (“Plaintiff”). We respectfully submit this letter in accordance with Your Honor’s Individual Rules of Practice, to request that Your Honor issue an Order allowing Plaintiff’s motion to compel to be decided based on formal briefing to be filed on the parties’ agreed-upon schedule.

This is a miscellaneous action related to underlying litigation in the United States District Court for the District of Maryland, in which Plaintiff and a certified class bring securities fraud claims against Under Armour, Inc. and its former Chief Executive Officer, Kevin A. Plank. *See In re Under Armour Securities Litigation*, Civil No. RDB-17-388 (D. Md.) (the “Underlying Action”).

Plaintiff issued a subpoena in the Underlying Action to Bloomberg L.P. (“Defendant”). Defendant objected to the subpoena based, in relevant part, on claims of journalists’ privilege and undue burden. Counsel for Plaintiff and Defendant met and conferred regarding the subpoena several times and ultimately reached an impasse. Plaintiff, therefore, initiated this action by filing the instant motion to compel.

Counsel for Plaintiff and Defendant have met and conferred and agree that Plaintiff’s motion to compel should be decided based on formal briefing, without the need for a pre-motion conference or a response letter from Defendant. Counsel agrees that the deadline for Defendant to oppose Plaintiff’s motion to compel should be April 20, 2023, and that the deadline for Plaintiff to file a reply in support of its motion to compel should be May 4, 2023.

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We respectfully request that the Court issue an Order allowing this matter to proceed in the fashion described above. We have filed a proposed order to that effect concurrently herewith.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M G", with a long horizontal stroke extending to the right.

MICHAEL G. CAPECI

MGC:jk

cc: All Counsel of Record (via ECF)